

1 KIRK T. KENNEDY, ESQ.
2 Nevada Bar No: 5032
3 815 S. Casino Center Blvd.
4 Las Vegas, NV 89101
(702) 385-5534
email: ktkennedylaw@gmail.com
Attorney for Plaintiff

5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 BRADLEY STERNFELS,) 2:25-cv-00112-JAD-BNW
8 Plaintiff,)
9 vs.)
10 MUTUAL OF OMAHA INSURANCE)
11 COMPANY; a foreign corporation;)
12 UNITED OF OMAHA LIFE INSURANCE)
13 COMPANY; a foreign corporation;)
DOES I through X, inclusive,)
14 ROE CORPORATIONS 1-10, inclusive,)
Defendants.)

15 **STIPULATION TO FILE SECOND AMENDED COMPLAINT AND RELATED**
16 **RELIEF**

17 IT IS HEREBY STIPULATED AND AGREED by and between the Plaintiff,
18 BRADLEY STERNFELS, by and through his undersigned counsel, KIRK T.
19 KENNEDY, ESQ., and the Defendants, MUTUAL OF OMAHA INSURANCE
20 COMPANY and UNITED OF OMAHA LIFE INSURANCE COMPANY, by and
21 through their undersigned counsel, NICOLE G. TRUE, ESQ., that the parties stipulate as
22 follows:

- 23 1. The Plaintiff shall be allowed to file a second amended complaint to more properly
24 allege a claim pursuant to the Employee Retirement Income Security Act of 1974
25 (ERISA), in light of the Defendants' removal of this matter to federal court and the
26 application of ERISA to the Plaintiff's factual allegations;
27 2. The Plaintiff shall remove the Defendant Mutual of Omaha Insurance Company as a
28

party to this matter in the second amended complaint;

3. The Plaintiff's second amended complaint shall be due for filing no later than February 11, 2025; and

4. The Defendants shall have until February 28, 2025, to file any responsive pleading to the second amended complaint (which vacates the Court's current order of ECF 5 regarding the present due date for the Defendants' responsive pleading of February 5, 2025).

This Stipulation is entered between the parties for good cause and for purposes of judicial economy to clarify the nature of Plaintiff's claims and allow the Defendants sufficient time to respond.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

Dated: 1/28/25

/s/Nicole G. True
NICOLE G. TRUE, ESQ.
Nevada Bar No: 12879
Womble Bond Dickinson (US) LLP
201 E. Washington St., Ste. 1200
Phoenix, AZ 85004
(602) 262-5311
Attorney for Defendants

Dated: 1/28/25

ORDER

IT IS SO ORDERED.

Dated this 29 day of January, 2025.


UNITED STATES MAGISTRATE JUDGE

Submitted by:

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
Attorney for Plaintiff